THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.2952 OF 2006

DATED: 20.02.2006

BETWEEN:

Mohd.Zameruddin

…….Petitioner

and

The Commissioner, MCH, and another

… Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.2952 OF 2006

ORDER:

The petitioner submits that he is the owner and possessor of the land to an extent of 39.94 square yards bearing Municipal No.20.4.1229 and 1230 situated at Ladbazar, Hyderabad. For the purpose of widening of the road, the respondents without following the due process of law prescribed therein either under Section 146 or 147 of the Municipal Corporation Act, seeking to

dispossess the petitioner from the portion of the land and dismantle the building situated therein.

Having regard to the facts and circumstances of the case, I am of the opinion that if the said land or building is required for the purpose of road widening which is in the public interest, the same can be taken by following the due process prescribed under law.

Accordingly, the writ petition is disposed of directing the respondents not to dispossess or demolish the portion of the house of the petitioner without following the due process of law, either by way of private negotiations or by initiating the proceedings under Land Acquisition Act as contemplated under Section 146 or 147 of the Municipal Corporation Act. No costs.

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20-02-2006

Note: issue cc by tomorrow

kvrm